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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

DAVID J. DINUNZIO

Petitioner,

vs.

BRIAN WILLIAMS *et al.*,

Respondents.

Case No.: 2:21-cv-00995-APG-NJK

**RESPONDENTS' MOTION FOR
ENLARGEMENT OF TIME TO RESPOND TO
PETITION FOR WRIT OF HABEAS CORPUS
(FIRST REQUEST)**

Respondents, by and through counsel, Aaron D. Ford, Attorney General of the State of Nevada, and Gerri Lynn Hardcastle, Deputy Attorney General, move this Court for a fifty- (50-) day enlargement of time, or up to and including Friday, September 24, 2021, to file and serve their response to the petition for writ of habeas corpus of Petitioner, David J. DiNunzio (DiNunzio).

This motion is based on the provisions of Rule 6(b) of the Federal Rules of Civil Procedure and the attached declaration of counsel, as well as all other pleadings and materials on file herein.

This is Respondents' first request for an enlargement of time to respond to DiNunzio's petition. Respondents make this motion in good faith and not for the purpose of unnecessary delay.

SUBMITTED this 2nd day of August, 2021.

AARON D. FORD
Attorney General

By: /s/ Gerri Lynn Hardcastle
GERRI LYNN HARDCASTLE (Bar No. 13142)
Deputy Attorney General

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UNITED STATES DISTRICT COURT

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Case No.: 2:21-cv-00995-APG-NJK

Petitioner,

DECLARATION OF COUNSEL

vs.

BRIAN WILLIAMS *et al.*,

Respondents.

I, Gerri Lynn Hardcastle, hereby state, based on personal knowledge and/or information and belief, that the assertions in this declaration are true:

1. I am a Deputy Attorney General of the Post-Conviction Division of the Nevada Attorney General's Office, and I make this declaration in support of Respondents' motion for enlargement of time to respond to DiNunzio's petition for writ of habeas corpus.

2. By this motion, I am requesting a fifty- (50-) day enlargement of time, or up to and including Friday, September 24, 2021, to respond to DiNunzio's petition.

3. The response to DiNunzio's petition is originally due Thursday, August 5, 2021.

4. I cannot complete my clients' response to DiNunzio's petition in accordance with this Court's deadline due to my current workload. Between now and the deadline, I have other federal district court responses due, whose deadlines have previously been extended. In the weeks thereafter, I have more federal district court responses and Ninth Circuit answering briefs due, whose deadlines have also been previously extended. Those pre-existing deadlines are the basis for the requested fifty (50) additional days to respond to DiNunzio's petition.

3 6. Pursuant to 28 U.S.C. § 1746, I herein certify, under penalty of perjury, that the
4 foregoing is true and correct.

5 EXECUTED this 2nd day of August, 2021.

6 By: /s/ Gerri Lynn Hardcastle
7 GERRI LYNN HARDCASTLE (Bar No. 13142)
Deputy Attorney General

10 IT IS SO ORDERED:

11 Dated: August 3, 2021



ANDREW P. GORDON
UNITED STATES DISTRICT JUDGE